

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re : Chapter 9
: Case No. 13-53846
CITY OF DETROIT, MICHIGAN, :
: Hon. Thomas J. Tucker
Debtor :
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**STIPULATION FOR
WITHDRAWAL OF CLAIM OF MICHIGAN AUTO RECOVERY SERVICE**

Michigan Auto Recovery Service (“Michigan Auto”) and the City of Detroit, Michigan (the “City”), by and through the undersigned, stipulate as follows in support of the entry of the *Order Withdrawing Claim of Michigan Auto Recovery* attached hereto as **Exhibit 1**.

1. On February 7, 2014, Michigan Auto filed its proof of claim, Claim No. 852 (the “Claim”) in the amount of \$48,525.00.

2. The Claim is alleged to be a general unsecured claim.

3. Claimant stipulates that the City is not liable to it for any pre-petition amounts.

Therefore, Michigan Auto hereby withdraws the Claim in its entirety with prejudice.

4. Michigan Auto covenants not to assert the Claim against the City.

Nothing in this Stipulation or the proposed order attached hereto as Exhibit 1 addresses any post-petition or post-confirmation claims which have arisen or may arise between the City and Michigan Auto to the extent such claims exist. Both parties fully reserve all of their respective rights with respect to any post-petition or post-confirmation claims to the extent such claims exist.

WHEREFORE the parties respectfully request that the Court enter an order in the form attached hereto as **Exhibit 1** withdrawing the Claim.

Respectfully submitted by:

THORNBALDH LEGAL GROUP PLLC	FOLEY & LARDNER, LLP
By: <u>/s/ Kurt Thornbladh (w/consent)</u> Kurt Thornbladh (P25858) 7301 Schaefer Dearborn, MI 48126 Phone: (313) 943-2678 kthornbladh@gmail.com <i>Counsel to Michigan Auto Recovery Service</i> Dated: July 20, 2015	By: <u>/s/ Tamar N. Dolcourt</u> John A. Simon (P61866) Tamar N. Dolcourt (P73425) Leah R. Imbrogno (P79384) 500 Woodward Ave., Ste. 2700 Detroit, MI 48226 Phone: (313) 234-7100 jsimon@foley.com tdolcourt@foley.com limbrogno@foley.com <i>Counsel to the City of Detroit, Michigan</i>

EXHIBIT 1: PROPOSED ORDER

4825-3816-1446.1

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**ORDER APPROVING STIPULATION
FOR WITHDRAWAL OF CLAIM OF MICHIGAN AUTO RECOVERY SERVICE**

This matter having come before the Court on the *Stipulation For Withdrawal Of Claim Of Michigan Auto Recovery Service* (the “Stipulation”); Michigan Auto¹ having filed Claim No. 852 (the “Claim”) in the above-captioned bankruptcy case; Michigan Auto having agreed that the City is not liable to it on account of any pre-petition claims; Michigan Auto having agreed that there is no basis for the Claim against the City; and the Court being otherwise fully informed:

IT IS HEREBY ORDERED THAT:

1. Claim No. 852 filed by Michigan Auto is withdrawn in its entirety with prejudice.
2. The City’s claims agent is hereby authorized to update the claims register to reflect the relief granted in this Order.
3. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

¹ Capitalized terms not otherwise defined herein shall have the meaning given to them in the Stipulation.

4. Nothing in the Stipulation or this Order affects the rights of the City or Michigan Auto with respect to any post-petition or post-confirmation claims which have arisen or may arise between the parties to the extent such claims exist. Both parties fully reserve all of their respective rights with respect to any post-petition or post-confirmation claims to the extent such claims exist.